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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/303,360	04/29/1999	DANIEL V. PETERS	6791.40	8253

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EXAMINER

CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 01/03/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/303,360

Applicant(s)

Peters

Examiner

First Last

Art Unit

1234



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Oct 9, 2001

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-17 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-10 and 12-17 is/are rejected.

7) ☒ Claim(s) 11 is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other:

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## **DETAILED ACTION**

### *Note*

1. The Bendixen reference previously applied and supplied by the applicant (4,890,315) has been noted on the provided PTO 892 form, and as such another copy is being sent herewith.

Further, please note the objection to the specification noted on the previous office action PTO form 326 is the objection to claim 11 from the last office action, which is repeated below.

### *Claim Objections*

2. Claim 11 is objected to because of the following informalities: in line 7, remove "to".  
Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 7, 8 and 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bendixen.

**Regarding claim 7,**

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Bendixen discloses a telephone system for providing a telephony feature comprising a phone system controller (i.e. the network) providing service from a first telephone system interface (FIG 3) to a coupled telephone line (i.e. a called party's line, col 5 lines 39-63), wherein said interface is coupled between a first telephone handset (68) and the telephone line (via a calling connection), said interface operable to selectively couple said telephone set to said telephone line (col 5 lines 39-63), and establish a wireless control and data channel between said interface and said controller for connecting to said telephone line, said channel inherently operable to carry control signals associated with said telephony feature (col 4 lines 48-61, col 6 lines 46-66, FIG 3), and wherein said controller would inherently be operable to receive and process and act upon control signals to provide said telephony feature.

**Regarding claim 8,**

Bendixen states that the channel can also carry audio signals (i.e. voice, col 4 lines 62-68).

**Regarding claim 12,**

Bendixen states that the switch may couple a telephone to the telephone line via the wireless means in response to a control signal from the controller (col 5 lines 39-63).

**Regarding claim 13,**

Bendixen discloses a method of connecting a telephone (68) to a network (i.e. controller) coupled to a telephone line (i.e. a called or calling party's line, col 5 lines 39-63) for providing a telephony feature comprising

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establishing a wireless control and data channel between said controller and an adaptor box (FIG 3), said channel coupled to said called or calling party inherently via said telephone line, said channel operable to carry control signals associated with said telephony feature (col 4 lines 48-61, col 6 lines 46-66, FIG 3), and wherein said adaptor would inherently be operable to receive and process and act upon control signals to provide said telephony feature.

**Regarding claim 14,**

Since Bendixen discloses that the telephony feature may be a call between the land line caller and the adaptor box (col 5 lines 39-63), said controller would inherently apply signals to said telephone line.

**Regarding claim 15,**

Bendixen states that the channel can also carry audio signals (i.e. voice, col 4 lines 62-68); further, said voice signals would inherently be processed at the controller. **Further regarding claim 16,** Bendixen states that the channel can also carry dialing signals (col 5 lines 1-63).

**Regarding claim 17,**

Bendixen states that the switch may transmit a signal to the adaptor box which will cause the adaptor to couple the telephone to the calling party (col 5 lines 39-63) inherently via said telephone line.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendixen.

**Regarding claim 1,**

Bendixen discloses a phone system adaptor (FIG 3) for use with a phone system controller (i.e. the network) operable to provide a telephony feature to a land line subscriber inherently via a telephone line, said adaptor comprising

a switch circuit (70) operable to selectively couple a telephone set to said other subscriber's telephone line (col 7 lines 1-24, col 5 lines 39-63), and

a wireless communication interface (62, 20) operable to establish a wireless control and data channel between said interface and said controller, said channel inherently operable to carry control signals associated with said telephony feature (col 6 lines 46-66, FIG 3).

Bendixen does not specifically disclose a housing to house said switch and interface. However, placing the elements in a housing would have been obvious to one of ordinary skill in the art at the time of the invention in order to protect the devices from damage, as well as provide electrical and RF shielding.

**Regarding claim 2,**

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Bendixen teaches that the switch may couple said telephone to said interface (col 7 lines 1-4).

**Regarding claim 3,**

Bendixen states that the channel can also carry audio signals (col 4 lines 62-68).

**Regarding claim 4,**

Bendixen states that the channel can also carry dialing signals (col 5 lines 1-63).

**Regarding claim 5,**

Bendixen states that the switch may couple a telephone to the telephone line via said wireless means in response to a control signal from the controller (col 5 lines 39-63).

**Regarding claim 6,**

The invention of Bendixen would inherently connect to a second adaptor box, if the second adaptor was the means to communicate with another user, i.e. a user connected to the first box places a call to a user of a second box in the network.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bendixen as applied to claim 8 above, and further in view of Armstrong et al.

While disclosing applicant's invention of claim 8 above, Bendixen does not disclose that the controller may process signals to obtain a number and dial it.

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Armstrong discloses that it is useful in a radiotelephone system to provide directory assistance at the network, whereby calls are processed to obtain a number, and said number is dialed for the caller (col 1 lines 11-28, col 3 lines 30-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a popular feature to Bendixen, as it would offer a feature which is a standard in every phone network.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bendixen.

As shown above, Bendixen discloses applicant's invention of claim 7. Further, Bendixen discloses a second telephone set (FIG 3) connectable to said telephone line. While Bendixen does not disclose a second interface to connect the second set to the line, since Bendixen teaches said processing, another interface would be functionally equivalent to the single interface system of Bendixen, and as such, obvious in view of said teachings.

***Allowable Subject Matter***

9. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:



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Claim 11 teaches towards a telephone system for providing a telephony feature comprising a phone system controller and a first telephone system interface coupled between a first telephone handset and a telephone line and operable to selectively couple said telephone set to said telephone line and establish a wireless control channel between said interface and said controller, and wherein there is provided a second interface coupled between a second handset and the telephone line, and operable to wirelessly connect the first and second handsets. Claim 14 teaches a system neither taught nor suggested by the prior art.

### *Response to Arguments*

11. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

This is due to the new amendment of record, PTO paper #7, which has modified the claims such that the prior art needs to be read differently over the present invention, and as such a new grounds of rejection is necessary.

### *Conclusion*

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. **Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

(703) 872-9314 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).


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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Craver whose telephone number is (703) 305-3965.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost, can be reached on (703) 305-4778.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

  
C. Craver  
December 30, 2001

  
NAY MAUNG  
PRIMARY EXAMINER